



FOLEY & LARDNER LLP

RECEIVED
CENTRAL FAX CENTER

JUN 27 2006

ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

ORIGINAL WILL NOT BE SENT

Total # of Pages 6 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Commissioner for Patents Examiner: Li, Bao Q. Art Unit: 1648		571-273-8300

From : Barry S. Wilson
Email Address : bwilson@foley.com
Sender's Direct Dial : 858.847.6722
Date : June 27, 2006
Client/Matter No : 034827-0705
User ID No : 3067

U.S. Application No.: 10/759,514

Docket No.: 034827-0705

MESSAGE:

Please find enclosed:

Transmittal (2 pages);

Response to Restriction Requirement (2 pages);

Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not
received all of the pages, please call 571-273-8300.

Operator:	Time Sent:	Return Original To: Vanessa E. Agha
-----------	------------	--

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

RECEIVED
CENTRAL FAX CENTER

JUN 27 2006

Atty. Dkt. No. 034827-0705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baumann et al.

Title: OLIGONUCLEOTIDES AND
METHODS FOR DETECTING
HEPATITIS C VIRAL NUCLEIC
ACIDS

Appl. No.: 10/759,514

Filing Date: 01/16/2004

Examiner: Li, Bao Q.

Art Unit: 1648

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Vanessa E. Agha</u> (Printed Name) <u>Vanessa E. Agha</u> (Signature) <u>June 27, 2006</u> (Date of Deposit)

TRANSMITTALCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

[X] Response to Restriction (2 pages).

[X] Credit Card Payment Form.

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Atty. Dkt. No. 034827-0705

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$120.00

A credit card payment form in the amount of \$120.00 to cover the filing fee is enclosed.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

June 27, 2006

By

Barry Wilson

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Richard J. Warburg (Reg. no. 32,327)
Attorney for Applicant
By Barry S. Wilson (Reg. No. 39,431)

RECEIVED
CENTRAL FAX CENTER

JUN 27 2006

Atty. Dkt. No. 034827-0705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BAUMANN et al.

Title: OLIGONUCLEOTIDES AND METHODS
FOR DETECTING HEPATITIS C VIRAL
NUCLEIC ACIDS

Appl. No.: 10/759,514

Filing Date: 01/16/2004

Examiner: Li, Bao Q.

Art Unit: 1648

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Vanessa Agha</u> (Printed Name) <u>Vanessa E. Agha</u> (Signature) <u>June 27, 2006</u> (Date of Deposition)

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed May 4, 2006, Applicants hereby provisionally elects Group I, Claims 1-6, drawn to a substantially purified oligonucleotide. Applicants further elect as species SEQ ID NO: 4.

Applicants respectfully traverse the Restriction Requirement with respect to the species election. SEQ ID NO: 4 is an upstream primer for preparing lambda phage/HCV hybrid nucleic acid while SEQ ID NO:5 is the downstream primer. Because of the similarity of purpose of these primers, Applicants request that both SEQ ID NO: 4 and SEQ ID NO: 5 be searched initially and that if no prior art be found, that the examiner expand the search to the remaining species.

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated,

-1-

DLMR_285135.1

06/28/2006 TL0111 00000015 10759514

01 FC:1251

120.00 0P

Atty. Dkt. No. 034827-0705

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date June 27, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

By Barry Wilson

Richard Warburg Reg. No. 32,327
By Barry Wilson, Reg. No. 39,431
Attorney for Applicant